

# Exhibit D

**Aaron Schlanger**

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**From:** Ari Ungar  
**Sent:** Wednesday, November 15, 2023 7:20 AM  
**To:** Ingerman, Brett; Aaron Schlanger; Kozlowski, Nicole; Peck, Andrew; Siegfried, Jonathan; Collins, Erin; Earnest Mckee, Lane; Setrakian, Berge; Civetta, Margaret; Coles, Anthony P.  
**Cc:** Gary Osen; Zahra R. Dean; James Bonner; Susan M. Davies; Joseph H. Tipograph; Ed Macallister; Noel J. Nudelman; Patrick L. Rocco  
**Subject:** RE: Miller v. Arab Bank; Pam v. Arab Bank

Dear Brett,

Thank you for your e-mail.

We understand that your client may not be prepared to answer *every* ESI-related question in our letter. However, given that your client has presumably been searching for, collecting, and reviewing ESI for several years, the answers to most of our questions should be readily available to you.

At a minimum, we think Arab Bank should currently be in a position to answer basic questions about the electronic data systems it employed during the relevant period, the steps it has taken to preserve the data on those systems, the searches it has conducted of that data, and if any of the systems or data have been destroyed since July 2004, what data was destroyed, why, and when. In our view, these are basic and fundamental questions the Court made clear it expected you to timely answer. We are now approaching two months since the last status conference, and we have not received any meaningful answers to these questions.

If you have answers to any of our questions, please provide them now. If, for whatever reason, you are unable to provide answers to any of our questions, including even the basic questions set forth above, please let us know by the end of the week.

Regards,

Ari Ungar  
Attorney at Law

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upon it. If you have received this e-mail transmission in error, please notify our office immediately by e-mail or by telephone. Thank you for your cooperation. Osen LLC - Attorneys at Law.

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**From:** Ingerman, Brett <brett.ingerman@us.dlapiper.com>

**Sent:** Monday, November 13, 2023 8:20 AM

**To:** Ari Ungar <aungar@osenlaw.com>; Aaron Schlanger <aschlanger@osenlaw.com>; Kozlowski, Nicole <nicole.kozlowski@us.dlapiper.com>; Peck, Andrew <andrew.peck@us.dlapiper.com>; Siegfried, Jonathan <Jonathan.Siegfried@us.dlapiper.com>; Collins, Erin <Erin.Collins@us.dlapiper.com>; Earnest Mckee, Lane <lane.mckee@us.dlapiper.com>; Setrakian, Berge <Berge.Setrakian@us.dlapiper.com>; Civetta, Margaret <Margaret.Civetta@us.dlapiper.com>; Coles, Anthony P. <anthony.coles@us.dlapiper.com>

**Cc:** Gary Osen <gosen@osenlaw.com>; Zahra R. Dean <zdean@koh Swift.com>; James Bonner <JBonner@fbrllp.com>; Susan M. Davies <Sd Davies@fbrllp.com>; Joseph H. Tipograph <jhtipograph@hnklaw.com>; Ed Macallister <emacallister@perleslaw.com>; Noel J. Nudelman <njnudelman@hnklaw.com>; Patrick L. Rocco <Procco@fbrllp.com>

**Subject:** RE: Miller v. Arab Bank; Pam v. Arab Bank

**CAUTION: This email originated from outside of the organization.**

Ari-

We are working through the 75 questions in Gary's letter. I do not yet have anticipated response date. I will keep you updated. Thanks.

Brett